

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE  
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER  
CARLOS URRUTIGOITY, DIOCESE OF  
SCRANTON, BISHOP JAMES C. TIMLIN,  
THE SOCIETY OF ST. JOHN, THE  
PRIESTLY FRATERNITY OF ST. PETER  
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

**PLAINTIFFS STATEMENT OF FACTS IN RESPONSE TO  
THE DIOCESE OF SCRANTON AND BISHOP JAMES TIMLIN  
STATEMENT OF FACTS  
(Local Rule 56.1)**

Plaintiffs' herein respond to the numbered Statement of Facts of the Diocese of Scranton and Bishop James Timlin submitted in support of their Motion for Summary Judgment. The statements to which plaintiffs 'Concur' are not necessarily statements with which plaintiffs agree, but rather are statements plaintiffs are not contesting for purposes of this motion.

1. Concur.
2. Concur.
3. Concur.

4. Concur.

5. Concur.

6. Concur.

7. Concur.

8. Concur.

9. Concur.

10. Concur.

11. Concur.

12. Concur.

13. Concur.

14. Concur.

15. Concur.

16. Concur.

17. Concur.

18. Concur.

19. Concur.

20. Concur.

21. Denied. Bishop Dougherty's testimony is misleading. Actually, what happened is that, after being released from the 'vow,' Mr. Sellinger told Urrutigoity exactly what he thought of him:

I got out of it [the oath] and now I have no connection with you at all. I know what you did. I think you're a fag. I think that you need to go see a priest, confess your sins, and never be a spiritual director to another seminarian or anybody ever again, or a confessor. And you need help, from a priest first, and then maybe psychologically from a Catholic psychologist or something.....

.....I took the car back to Rockford, Illinois, got back and Father Fullerton and Chris Manuele were there and they were leaving to go to Armada, where my brother was graduating from a Catholic school and my parents would be there.

..... I got there, left with my parents and never seen or talked to Father U. again.

[Exhibit 'E' – Sellinger statement]

22. Denied. Bishop Dougherty decided that he could not determine whether Fr. Urrutigoity had molested the seminarian. It is inaccurate to state that Bishop Dougherty was “not able” to make this decision.

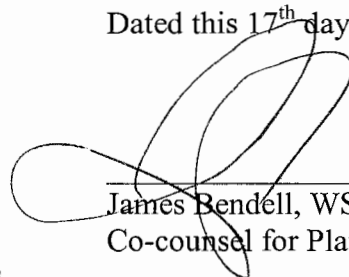
23. Concur.

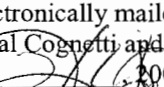
24. Denied. Again, it is an incorrect use of language to state the Review Board was “unable.” It is more precise to state that the Review Board did not arrive at a conclusion as to whether Fr. Urrutigoity molested the seminarian.


25. Bishop Timlin may have had other reasons why the chose not to discipline Fr. Urrutigoity, but plaintiffs do not oppose the statement that he failed to do so after receiving the results of the Review Board.

26. Concur.

Dated this 17<sup>th</sup> day of July, 2004.

  
James Bendell, WSBA # 20820  
Co-counsel for Plaintiffs

I certify that I caused a copy of this pleading to be electronically mailed to Joseph O'Brien, Sal Cognetti and Joseph Leeson on  2004.

  
PLAINTIFFS' STATEMENT OF GENUINE ISSUES OF FACT IN  
RESPONSE TO SCRANTON DIOCESE STATEMENT OF FACTS – PAGE 3